

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRENT CAMERON,

Plaintiff,

Case No. 14-11622

v.

HONORABLE VICTORIA A. ROBERTS

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION (Dkt. # 22)
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (Dkt. # 21)

Plaintiff Brent Cameron ("Cameron") brings this action pursuant to 42 U.S.C. 405(g) to appeal the denial of Social Security disability benefits made by the Commissioner of Social Security (the "Commissioner"). The Appeals Council denied Cameron's request for review of the decision issued by the Administrative Law Judge ("ALJ") on February 26, 2014. The ALJ's December 12, 2012 decision stands as the Commissioner's final decision.

The matter was referred to Magistrate Judge Stephanie Dawkins Davis. While the parties had originally filed cross-motions for summary judgment, Cameron's counsel was ordered to withdraw from the representation and both motions were stricken. Magistrate Judge Davis set new deadlines for filing summary judgment motions. After Cameron failed to file a motion for summary judgment by that date, the Commissioner renewed its motion for summary judgment pursuant to the Court's scheduling order. Cameron did not file a response.

Magistrate Judge Davis issued a Report and Recommendation ("R&R")

recommending that the Court grant the Commissioner's Motion for Summary Judgment. At the conclusion of her R&R, Magistrate Judge Davis notified the parties that they were required to file any objections within fourteen days of service, as provided in Federal Rule of Civil Procedure 72(b)(2) and Eastern District of Michigan Local Rule 72.1(d), and that "[f]ailure to file specific objections constitutes a waiver of any further right of appeal." (Dkt. # 22 at 17.). Cameron has not filed an objection to the R&R.

The Court ordinarily reviews *de novo* a Magistrate Judge's Report and Recommendation on a dispositive motion. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(3). But, when no objections are filed, a district judge is not required to review a magistrate's report. *Thomas v. Arn*, 474 U.S. 140, 152, 106 S. Ct. 466, 473, 88 L. Ed. 2d 435 (1985). In *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981), the Sixth Circuit established a rule of procedural default, holding that "a party shall file objections with the district court or else waive right to appeal." In *Thomas v. Arn*, 474 U.S. 140, 144 (1985), the Supreme Court held that this rule violates neither the Federal Magistrates Act nor the United States Constitution. As a result, Cameron's "failure to object is a procedural default, waiving his right for this Court to review the report and recommendation." See, e.g., *Campanaro v. Comm'r of Soc. Sec.*, No. 14-cv-12876, 2015 WL 5014592, at *1 (E.D. Mich. Aug. 24, 2015).

Accordingly, the Court **ADOPTS** Magistrate Judge Davis's Report and Recommendation: Defendant's Motion for Summary Judgment is **GRANTED**. The decision of the Commissioner of Social Security is **AFFIRMED**.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: March 29, 2016

The undersigned certifies that a copy of this document was served on the attorneys of record and Brent Cameron by electronic means or U.S. Mail on March 29, 2016.

s/Linda Vertriest
Deputy Clerk